G. R. S. 59]

Law Institutes in Punjab 1918/14

GENERAL AND REVENUE SECRETARIAT.

19 13.14
(Cs —)

File No. 183-13

Serial Nos. 1—3

Papers Filed.

Month June 14.

SUBJECT.

Recovery of the institution fees in pauper suits as an arrear of land revenue.

PREVIOUS REFERENCES.	LATER REFERENCES.
B Cs — 157 — 12 (1 — 3)	Law 87-31 — 1+2.

M Ahmad
15/9/14

G.R.S. 11] 1913-14 7686

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 183-13

FILE HEADING.

Recovery of institution fees in pauper suits as an arrear of land revenue.

From

The Dist Court in Mysore

No. 5991 Dated 7-11-13 Received 8-11-13

Diary No. J1431	Enclos. 2 Spare Copies.	Serial No. 7

BRIEF ABSTRACT OF LETTER.

Forwards for the orders of Govt copies of letter & its enclosure from the Dy: Court, Hassan Dist., suggesting that the Dy: Court may be authorised to recover by summary process as an arrear of land revenue the amts of institution fees awarded by Civil Courts in pauper suits.

NOTES AND ORDERS.

Letter page No. 3.

Flag V.

vide Rules 11, 13 & 16 of Order XXXIII of the C.P.C.

The Dy Court represents that under the existing law much complication, needless delay and expense to Govt are involved besides the risk of loss claims arising during attachment and sale of the properties proceeded against and therefore suggests that the Dy: Court

NOTES—First Sheet. No.

GPB—35,000—15 6-12

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of Dist may be empowered to recover such court fees as an arrear of land revenue just as duties and penalties are recovered under Sec" 48 of the Stamp Regulation. This practice which appears to have existed in some of the Dist. was condemned in Chief Court's procs no 8052-Jud 167 dt 4th Feb 1880 and recovery through the court was insisted upon in Govt orders No dt 25th Oct 99 & 19th May 05.

2 The question of expense to Govt has been disposed of in the last of the G.Os by stating that there is no loss by the existing procedure as the amount of court fee together with costs of application can be recovered through the court exactly like costs in the suit and is moreover a first charge on the subject matter of the suit. But there seems to be much force in the representation of the Dy Com" that delay is involved in the present procedure which gives opportunity for cross claims arising which would be minimised if the amount can be recovered as an arrear of land revenue.

3 Subo for order.

Yl. & N

N

O & J

J

For an instance please see the case referred to on page 3 of C.S 151-12 flagged W

C.S 151-12-Para 1

Reg.-116
16/1/14
(68)
16/1/14

NOTE—Contn. sheet.

GPB—60,000—7-11-13

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(3)

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4. If approved, the Chief Court will be Consulted in the matter before proceeding further

SOR 25/1

Draft approved 28/1 19

Dr Sen 1st correction

✓

Yes

29/1/14

Draft SOR 30/1

P.T.O.

NOTE—Contn. sheet.

GPB—60,000—7-11-13

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General and Revenue Secretariat. | CS File No. 183 of 1913-14

Serial No.	
R.O. No. J. 32-13 Dated 6.2.14	5 Forwarded unofficially to the Registrar, Chief Court, for favour of obtaining the opinion of the Judges in the matter. By order Bangalore 4th Feb 1914 J. Rajagopal for Secy to Govt.
Rec'd 6.2.14 No. 3221 25/	6 The District Judges have been asked to intimate their opinions in Consultation with the Sub-Judge and the two experienced Mpsts in their Dns. The opinions of the Chief Ch will be communicated after their replies are received. J. Rajagopal 6th Feby 1914 Regr - Chief Ch.
	7 Subd. The opinion of the Chief Court will be awaited. 8 12/2/14 12/2
	P.T.O.

NOTE—Contn. sheet.

G.P.B—60,000—7-11-13

3680
V431

G. R. S. 12]

General and Revenue Secretariat. | 6b File No. 183 of 1913-14

Serial No.	
2	From the Registrar, Chief Court No 4268 dt 11.5.1914 333
	Furnishes the opinion of the Chief Court in the matter.
	9 Subs. The Chief Court is not in favour of any change in the existing law, the majority of the Judges being against the proposal of the Deputy Comr of Hassan to recover institution fees in pauper suits as an arrear of land revenue.
	10 Mysore Govt be informed accordingly?
	Leg.-116 VK 19.5.1914
	20 Secy) SDM 20/5
	11. The case may be submitted to the First member with a draft as proposed. Draft 21/5
	12. Subs with a draft to the Rev Comr.
	Leg.-116 23/5/14 VK
7/817	1st Member) SDM 23/5
	13 Draft appd. by First member 24.5.14 DMcS
	Draft 26/5
	14 SSNP
	SDM 26/5

NOTE—Contn. sheet.

G.P.B—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat.

As File No. 183 of 1913-14.

Serial No.	
3.	To, The Rev. Comr., in Mysore.
	Do J 3618, Dt 3-6-14.
	States that Govt. are not in favour of any change in the existing law, as they see no risk of loss to Govt. if the officers of Govt. entrusted with the task of recovering these amounts, act with sufficient diligence.

NOTE—Contn. sheet.

G P B—60,000—7-11-13

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE,

Bangalore, 15 November 1913.

No. 5-991
two enclosures

DIARY No. F/1431

1913-1914
SECTION 65
SERIAL No. 1

FROM

K. Doraswami Iyer Esquire,

Revenue Commissioner in Mysore. 183-13

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General & Revenue Departments.

SIR,

I have the honor to forward herewith for the orders of Government copies of letter No.152/R dated 30th September 1913 and its enclosure from the Deputy Commissioner Hassan District requesting that the Deputy Commissioners may be authorised to recover by summary process as an arrear of land revenue the amounts of institution fees awarded by Civil Courts in pauper suits.

I have the honor to be,

Sir,

Your most obedient servant,

K. Doraswami Iyer

Assistant Commissioner,
For Revenue Commissioner,
absent from the Station.

V.M.R.

2 Encl 4 Cys 783-13-1

Docket No.152/R dated 27th September 1913 from the Deputy Commissioner Hassan District to the Revenue Commissioner in Mysore, Bangalore.

In submitting herewith a copy of para 71 of the Revenue Administration Report of this District for the year 1912-13 submitted with my letter No.105 dated the 1st September 1913, I have the honor to request that you will be so good as to move Government in the matter of the proposal to authorise Deputy Commissioners of Districts to recover by summary process as an arrear of land revenue the amount of institution fees awarded by Civil Courts in pauper suits for the reasons explained in the said para of the Revenue Administration Report.

"Copy"

For Revenue Commissioner.

V.M.R.

Extract from the Revenue Administration Report of the Hassan District for the year 1912-13, submitted to the Revenue Commissioner with letter No.105 dated the 1st September 1913.

x x x

71. I may suggest in this connection that Government may be moved to authorise Deputy Commissioners of Districts to recover such institution fees as an arrear of land revenue in as much as the present provision of the Civil Procedure Code which requires the taking of execution proceedings in Civil Courts creates much complication and needless delay and expense to Government. More over in some cases when properties are applied for, for attachment and sale in satisfaction of the Government dues there may be cross claims which if admitted the proceedings till then adopted will be in vain entailing further loss to Government . To obviate such complications it is desirable that Deputy Commissioners of Districts should be empowered to recover the institution fees by summary process under the Revenue Law, in the same way as stamp duty and penalty are recovered as provided in section 48 of the Stamp Regulation No.II of 1900.

x x x

"Extract"

For Revenue Commissioner.

V.M.R. 10/10

Rec: 4268/333

4

Bangalore

11th May 1914.

DIARY No. F 3586

1913-1914

SECTION Courts

FILE No. 183 of 1913

SERIAL No. 2

From

V. A. Rajaratna Mudaliar, Esq

Registrar of the

Chief Court of Mysore.

To

D. M. Narasinga Rao Esq, B. A., B. L.,

Officiating Secretary to Government ,

General and Revenue Departments .

S i r ,

In continuation of this office No. 3221/257 dated 10th February 1914, I am directed to state that the opinion of the majority of the Judges consulted is against the proposal to recover institution fees in pauper suits in the same manner as arrears of land revenue and the Chief Court is not therefore in favour of any change in the existing law.

Under O XXXiii r 13 of the Code of Civil Procedure Government is a 'party' to the proceedings. It has a right of appeal against orders passed and it is subject to the law of limitation prescribed for the execution of decrees. It is not shown that the present facilities are not sufficient, or that when the representatives of Government act with sufficient diligence, there is any appreciable risk of loss to Government. As the present practice seems on the whole to have worked well for all parties concerned, no case is made out for any change in the

Re recovery of ins. fee due by Govt in pauper suits

G. R. S. 26] 27/5 1685

File No. 183-13

Serial No. 3

Diary No. of letter replied to

No. J3618

General and Revenue Secretariat

( )

, the *191*

To

The Rev Com in Mysore

Date of issue 3-6-14

Sir,

Signed by Mr S.P. Rajagopala — Chair

Adverting to your letter no. 5991 dated the 7th Nov 1913 forwarding for the orders of Govt copy of a letter from the Dy Com, Hassan Dist, suggesting that the Dy Com of Distts may be empowered to recover by summary process as an arrear of land revenue the amount of ins. fee awarded by Civil Courts in pauper suits, I am directed

N.T. over.

SUBJECT.

6

to state that Govt are not in favour of any change in the existing law as ~~xxxxxxxxxx~~ they ~~xxxxx~~ see no risk of loss to Govt if the officers of Govt entrusted with the task of recovering these amounts ~~When the representations thereof~~ act with sufficient diligence.

I have to

Spn

For OTP: See to Govt

Mg. 116

23/5/14 Mg

23/5/14

List of enclosures

Copied by [illegible]

Examined by [illegible]

GPB—25,000—4-3-13